

HOUSE BILL 1370

P2, P1

0lr2351
CF SB 979

By: **Delegates Branch, Gaines, Bohanan, Bronrott, Conway, Haynes, Hixson,
~~and James James, Cardin, Howard, Rice, Stukes, and Walker~~**

Introduced and read first time: February 18, 2010

Assigned to: Appropriations and Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Public-Private Partnerships - Oversight**

3 FOR the purpose of requiring certain State agencies to submit a report concerning a
4 proposed public-private partnership to the State Treasurer and certain
5 committees of the General Assembly at a certain time prior to issuing a public
6 notice of solicitation for the public-private partnership; requiring certain State
7 agencies to submit an annual report concerning public-private partnerships
8 that are under consideration to certain committees of the General Assembly;
9 requiring certain State agencies to submit an annual report concerning existing
10 public-private partnerships to certain committees of the General Assembly;
11 requiring certain units of State government to submit an annual report
12 concerning public-private partnerships for which the unit is providing conduit
13 financing to certain committees of the General Assembly; requiring the State
14 Treasurer to analyze the impact of a proposed public-private partnership
15 ~~operating-lease agreement~~ agreement on the State's capital debt affordability limits;
16 requiring the State Treasurer to submit each analysis of a public-private
17 partnership ~~operating-lease agreement~~ agreement to certain committees of the General
18 Assembly within a certain time; prohibiting the Board of Public Works from
19 approving a public-private partnership ~~operating-lease agreement~~ agreement until certain
20 committees of the General Assembly have ~~commented~~ had a certain period of
21 time to review and comment on the State Treasurer's analysis of the ~~lease~~
22 agreement; requiring that the annual report of the Capital Debt Affordability
23 Committee include certain information concerning the impact of public-private
24 partnership ~~operating-leases;~~ agreements; requiring the Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Transportation Authority to submit a certain analysis of a proposed
 2 public-private partnership agreement to certain committees of the General
 3 Assembly within a certain period of time before entering into the agreement;
 4 prohibiting the Board of Public Works from approving a public-private
 5 partnership agreement that the Authority proposes to enter into until certain
 6 committees of the General Assembly have had a certain period of time to review
 7 and comment on the Authority's analysis of the agreement; establishing a Joint
 8 Legislative and Executive Commission on Oversight of Public-Private
 9 Partnerships; specifying the membership of the Commission; providing for the
 10 chair and staffing of the Commission; prohibiting a member of the Commission
 11 from receiving certain compensation but authorizing a member of the
 12 Commission to receive certain reimbursements; requiring the Commission to
 13 study and make recommendations regarding certain issues; requiring the
 14 Commission to report its findings and recommendations to the Governor and
 15 the General Assembly on or before a certain date; repealing certain provisions of
 16 law requiring the ~~Maryland Transportation~~ Authority to provide certain
 17 information to certain committees of the General Assembly concerning
 18 public-private partnerships; providing that certain committees of the General
 19 Assembly have a certain period of time to review and comment on reports
 20 submitted under this Act; defining certain terms; providing for the termination
 21 of certain provisions of this Act; and generally relating to oversight of
 22 public-private partnerships.

23 BY adding to
 24 Article – State Finance and Procurement
 25 Section 10A-101 and 10A-102 to be under the new title “Title 10A.
 26 Public-Private Partnerships”
 27 Annotated Code of Maryland
 28 (2009 Replacement Volume)

29 BY repealing and reenacting, with amendments,
 30 Article – Transportation
 31 Section 4-205(c)
 32 Annotated Code of Maryland
 33 (2008 Replacement Volume and 2009 Supplement)

34 BY adding to
 35 Article – Transportation
 36 Section 4-406
 37 Annotated Code of Maryland
 38 (2008 Replacement Volume and 2009 Supplement)

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 40 MARYLAND, That the Laws of Maryland read as follows:

41 **Article – State Finance and Procurement**

1 TITLE 10A. PUBLIC-PRIVATE PARTNERSHIPS.

2 10A-101.

3 (A) (1) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "BUDGET COMMITTEES" MEANS THE SENATE BUDGET AND
6 TAXATION COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS, AND
7 THE HOUSE APPROPRIATIONS COMMITTEE.

8 (3) "PRIVATE ENTITY" MEANS AN INDIVIDUAL, A CORPORATION,
9 A GENERAL OR LIMITED PARTNERSHIP, A LIMITED LIABILITY COMPANY, A JOINT
10 VENTURE, A BUSINESS TRUST, A PUBLIC BENEFIT CORPORATION, A NONPROFIT
11 ENTITY, OR ANOTHER BUSINESS ENTITY.

12 (4) "PUBLIC NOTICE OF SOLICITATION" INCLUDES A REQUEST
13 FOR EXPRESSIONS OF INTEREST, A REQUEST FOR PROPOSALS, A MEMORANDUM
14 OF UNDERSTANDING, AN INTERIM DEVELOPMENT AGREEMENT, A LETTER OF
15 INTENT, OR A PRELIMINARY DEVELOPMENT PLAN.

16 (5) (I) "PUBLIC-PRIVATE PARTNERSHIP" MEANS A SALE OR
17 ~~LONG-TERM LEASE AGREEMENT BETWEEN A CONTRACTING AGENCY~~ UNIT OF
18 STATE GOVERNMENT AND A PRIVATE ENTITY UNDER WHICH:

19 1. THE PRIVATE ENTITY ASSUMES CONTROL OF THE
20 OPERATION AND MAINTENANCE OF AN EXISTING STATE FACILITY; OR

21 2. THE PRIVATE ENTITY CONSTRUCTS,
22 RECONSTRUCTS, FINANCES, OR OPERATES A STATE FACILITY ~~AND IS~~
23 ~~AUTHORIZED TO COLLECT~~ OR A FACILITY FOR STATE USE AND WILL COLLECT
24 FEES, CHARGES, RENTS, OR TOLLS FOR THE USE OF THE FACILITY.

25 (II) "PUBLIC-PRIVATE PARTNERSHIP" DOES NOT INCLUDE:

26 1. A SHORT-TERM OPERATING SPACE LEASE
27 ENTERED INTO IN THE ORDINARY COURSE OF BUSINESS BY A UNIT OF STATE
28 GOVERNMENT AND A PRIVATE ENTITY ~~IF~~ AND APPROVED UNDER § 10-305 OF
29 THIS ARTICLE; OR

30 2. A PROCUREMENT GOVERNED BY DIVISION II OF
31 THIS ARTICLE.

32 (6) "REPORTING AGENCY" MEANS:

- 1 (I) THE DEPARTMENT OF GENERAL SERVICES;
- 2 (II) THE MARYLAND DEPARTMENT OF TRANSPORTATION;
- 3 (III) THE UNIVERSITY SYSTEM OF MARYLAND;
- 4 (IV) MORGAN STATE UNIVERSITY;
- 5 (V) ST. MARY'S COLLEGE OF MARYLAND; AND
- 6 (VI) THE BALTIMORE CITY COMMUNITY COLLEGE.

7 (B) THE REQUIREMENTS OF THIS TITLE DO NOT APPLY TO THE
 8 MARYLAND TRANSPORTATION AUTHORITY OR TO A PUBLIC-PRIVATE
 9 PARTNERSHIP PROPOSED OR ENTERED INTO BY THE MARYLAND
 10 TRANSPORTATION AUTHORITY.

11 ~~(B)~~ (C) (1) THE REPORTS PROVIDED BY THE DEPARTMENT OF
 12 GENERAL SERVICES UNDER THIS SECTION SHALL INCLUDE INFORMATION
 13 CONCERNING ALL PUBLIC-PRIVATE PARTNERSHIPS INVOLVING UNITS WITHIN
 14 THE EXECUTIVE BRANCH OF STATE GOVERNMENT, EXCEPT FOR THOSE UNITS
 15 THAT ARE ALSO REPORTING AGENCIES.

16 (2) FOLLOWING THE SUBMISSION OF EACH OF THE REPORTS
 17 REQUIRED UNDER THIS SECTION, THE BUDGET COMMITTEES SHALL HAVE 45
 18 DAYS TO REVIEW AND COMMENT ON THE REPORTS.

19 ~~(C)~~ (D) (1) NOT LESS THAN 45 DAYS BEFORE ISSUING A PUBLIC
 20 NOTICE OF SOLICITATION FOR A PUBLIC-PRIVATE PARTNERSHIP, A REPORTING
 21 AGENCY SHALL SUBMIT TO THE STATE TREASURER AND THE BUDGET
 22 COMMITTEES, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
 23 ARTICLE, A REPORT CONCERNING THE PROPOSED PUBLIC-PRIVATE
 24 PARTNERSHIP.

25 (2) BY ~~JULY~~ JANUARY 1 OF EACH YEAR, EACH REPORTING
 26 AGENCY SHALL SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH §
 27 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT CONCERNING EACH
 28 PUBLIC-PRIVATE PARTNERSHIP UNDER CONSIDERATION AT THAT TIME BY THE
 29 REPORTING AGENCY THAT HAS NOT BEEN REVIEWED OR APPROVED
 30 PREVIOUSLY BY THE GENERAL ASSEMBLY.

31 (3) BY JANUARY 1 OF EACH YEAR, EACH REPORTING AGENCY
 32 SHALL SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2-1246
 33 OF THE STATE GOVERNMENT ARTICLE, A STATUS REPORT CONCERNING EACH

1 EXISTING PUBLIC-PRIVATE PARTNERSHIP IN WHICH THE REPORTING AGENCY
2 IS INVOLVED.

3 ~~(D)~~ (E) BY ~~JULY~~ JANUARY 1 OF EACH YEAR, A UNIT OF STATE
4 GOVERNMENT THAT PROVIDES CONDUIT FINANCING FOR A PUBLIC-PRIVATE
5 PARTNERSHIP SHALL SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE
6 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT CONCERNING
7 EACH PUBLIC-PRIVATE PARTNERSHIP FOR WHICH THE UNIT IS PROVIDING
8 CONDUIT FINANCING.

9 10A-102.

10 (A) THE STATE TREASURER SHALL ANALYZE THE IMPACT OF EACH
11 PUBLIC-PRIVATE PARTNERSHIP ~~OPERATING LEASE ENTERED INTO~~ AGREEMENT
12 PROPOSED BY A UNIT OF STATE GOVERNMENT ON THE STATE'S CAPITAL DEBT
13 AFFORDABILITY LIMITS.

14 (B) ~~(1)~~ THE STATE TREASURER SHALL SUBMIT TO THE BUDGET
15 COMMITTEES, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
16 ARTICLE, EACH ANALYSIS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
17 WITHIN 30 DAYS AFTER THE STATE TREASURER RECEIVES A PROPOSED
18 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FROM A UNIT OF STATE
19 GOVERNMENT.

20 ~~(2) FOLLOWING THE SUBMISSION OF EACH ANALYSIS, THE~~
21 ~~BUDGET COMMITTEES SHALL HAVE 45 DAYS TO REVIEW AND COMMENT ON THE~~
22 ~~ANALYSIS.~~

23 (C) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A
24 PUBLIC-PRIVATE PARTNERSHIP ~~OPERATING LEASE UNDER~~ AGREEMENT UNDER
25 § 10-305 OR § 12-204 OF THIS ARTICLE UNTIL THE BUDGET COMMITTEES HAVE
26 ~~COMMENTED~~ HAD 30 DAYS TO REVIEW AND COMMENT ON THE STATE
27 TREASURER'S ANALYSIS OF THE ~~LEASE~~ AGREEMENT REQUIRED UNDER
28 SUBSECTION (A) OF THIS SECTION.

29 (D) THE ANNUAL REPORT OF THE CAPITAL DEBT AFFORDABILITY
30 COMMITTEE REQUIRED UNDER § 8-112 OF THIS ARTICLE SHALL INCLUDE AN
31 ANALYSIS OF THE AGGREGATE IMPACT OF PUBLIC-PRIVATE PARTNERSHIP
32 ~~OPERATING LEASES~~ AGREEMENTS ON THE TOTAL AMOUNT OF NEW STATE DEBT
33 THAT PRUDENTLY MAY BE AUTHORIZED FOR THE NEXT FISCAL YEAR.

34 Article - Transportation

35 4-205.

1 (c) (1) Subject to the limitations described in [paragraphs (2) and (3)]
2 **PARAGRAPH (2)** of this subsection, the Authority may make any contracts and
3 agreements necessary or incidental to the exercise of its powers and performance of its
4 duties.

5 (2) Not less than 45 days before entering into any contract or
6 agreement to acquire or construct a revenue-producing transportation facilities
7 project, subject to § 2-1246 of the State Government Article, the Authority shall
8 provide, to the Senate Budget and Taxation Committee, the House Committee on
9 Ways and Means, and the House Appropriations Committee, for review and comment,
10 and to the Department of Legislative Services, a description of the proposed project, a
11 summary of the contract or agreement, and a financing plan that details:

12 (i) The estimated annual revenue from the issuance of bonds to
13 finance the project; and

14 (ii) The estimated impact of the issuance of bonds to finance the
15 project on the bonding capacity of the Authority.

16 [(3) (i) 1. In this paragraph the following words have the
17 meanings indicated.

18 2. "Public notice of procurement" includes a request for
19 proposals issued by the Authority.

20 3. "Public-private partnership arrangement" means a
21 lease agreement between the Authority and a private entity under which the private
22 entity assumes control of the operation and maintenance of an existing or future
23 revenue-producing highway, bridge, tunnel, or transit facility.

24 (ii) Not less than 45 days before issuing a public notice of
25 procurement related to a public-private partnership arrangement, subject to § 2-1246
26 of the State Government Article, the Authority shall provide, to the Senate Budget
27 and Taxation Committee, the House Committee on Ways and Means, and the House
28 Appropriations Committee, for review and comment, and to the Department of
29 Legislative Services, a summary of the proposed procurement document to be used for
30 solicitation of the public-private partnership arrangement.

31 (iii) Not less than 45 days before entering into any
32 public-private partnership arrangement, subject to § 2-1246 of the State Government
33 Article, the Authority shall provide, to the Senate Budget and Taxation Committee,
34 the House Committee on Ways and Means, and the House Appropriations Committee,
35 for review and comment, and to the Department of Legislative Services, a description
36 of the proposed lease agreement and a financing plan, including:

37 1. The length of the proposed lease;

1 1. A SHORT-TERM OPERATING SPACE LEASE
2 ENTERED INTO IN THE ORDINARY COURSE OF BUSINESS BY THE AUTHORITY
3 AND A PRIVATE ENTITY ~~IF~~ AND APPROVED UNDER § 10-305 OF THE STATE
4 FINANCE AND PROCUREMENT ARTICLE; OR

5 2. A PROCUREMENT GOVERNED BY DIVISION II OF
6 THE STATE FINANCE AND PROCUREMENT ARTICLE.

7 (B) FOLLOWING THE SUBMISSION OF EACH OF THE REPORTS REQUIRED
8 UNDER THIS SECTION, THE BUDGET COMMITTEES SHALL HAVE 45 DAYS TO
9 REVIEW AND COMMENT ON THE REPORTS.

10 (C) (1) NOT LESS THAN 45 DAYS BEFORE ISSUING A PUBLIC NOTICE
11 OF SOLICITATION FOR A PUBLIC-PRIVATE PARTNERSHIP, THE AUTHORITY
12 SHALL SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2-1246
13 OF THE STATE GOVERNMENT ARTICLE, A REPORT CONCERNING THE PROPOSED
14 PUBLIC-PRIVATE PARTNERSHIP.

15 (2) BY ~~JULY~~ JANUARY 1 OF EACH YEAR, THE AUTHORITY SHALL
16 SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2-1246 OF THE
17 STATE GOVERNMENT ARTICLE, A REPORT CONCERNING EACH
18 PUBLIC-PRIVATE PARTNERSHIP UNDER CONSIDERATION AT THAT TIME BY THE
19 AUTHORITY THAT HAS NOT BEEN REVIEWED OR APPROVED PREVIOUSLY BY THE
20 GENERAL ASSEMBLY.

21 (3) BY JANUARY 1 OF EACH YEAR, THE AUTHORITY SHALL
22 SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2-1246 OF THE
23 STATE GOVERNMENT ARTICLE, A STATUS REPORT CONCERNING EACH
24 EXISTING PUBLIC-PRIVATE PARTNERSHIP IN WHICH THE AUTHORITY IS
25 INVOLVED.

26 (D) BY ~~JULY~~ JANUARY 1 OF EACH YEAR, THE AUTHORITY SHALL
27 SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2-1246 OF THE
28 STATE GOVERNMENT ARTICLE, A REPORT CONCERNING EACH
29 PUBLIC-PRIVATE PARTNERSHIP FOR WHICH THE AUTHORITY IS PROVIDING
30 CONDUIT FINANCING.

31 (E) NOT LESS THAN 30 DAYS BEFORE ENTERING INTO A
32 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT, THE AUTHORITY SHALL SUBMIT
33 TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2-1246 OF THE STATE
34 GOVERNMENT ARTICLE, AN ANALYSIS OF THE IMPACT OF THE PROPOSED
35 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT ON THE AUTHORITY'S FINANCING
36 PLAN, INCLUDING THE AUTHORITY'S OPERATING AND CAPITAL BUDGETS AND
37 DEBT CAPACITY.

1 **(F) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A**
2 **PUBLIC-PRIVATE PARTNERSHIP AGREEMENT UNDER § 10-305 OR § 12-204 OF**
3 **THE STATE FINANCE AND PROCUREMENT ARTICLE THAT THE AUTHORITY**
4 **PROPOSES TO ENTER INTO UNTIL THE BUDGET COMMITTEES HAVE HAD 30 DAYS**
5 **TO REVIEW AND COMMENT ON THE AUTHORITY'S ANALYSIS OF THE AGREEMENT**
6 **REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

8 (a) There is a Joint Legislative and Executive Commission on Oversight of
9 Public-Private Partnerships.

10 (b) The Commission consists of the following members:

11 (1) two members of the Senate of Maryland, appointed by the
12 President of the Senate;

13 (2) two members of the House of Delegates, appointed by the Speaker
14 of the House;

15 (3) the Secretary of Budget and Management, or the Secretary's
16 designee;

17 (4) the Secretary of General Services, or the Secretary's designee;

18 (5) the Secretary of Transportation, or the Secretary's designee;

19 (6) the Chancellor of the University System of Maryland, or the
20 Chancellor's designee;

21 (7) the State Treasurer, or the State Treasurer's designee;

22 (8) the Executive Director of the Maryland Stadium Authority, or the
23 Executive Director's designee;

24 (9) the Executive Director of the Maryland Economic Development
25 Corporation, or the Executive Director's designee;

26 (10) the President of the Baltimore City Community College, or the
27 President's designee;

28 (11) the President of Morgan State University, or the President's
29 designee;

30 (12) the President of St. Mary's College of Maryland, or the President's
31 designee; and

1 (13) a representative of the private sector who has experience and
2 expertise in developing public-private partnerships, appointed by the Governor in
3 consultation with the President of the Senate and the Speaker of the House.

4 (c) The Governor shall designate the chair of the Commission.

5 (d) The Department of ~~Budget and Management~~ Transportation,
6 Department of General Services, and the Department of Legislative Services shall
7 provide staff for the Commission.

8 (e) A member of the Commission:

9 (1) may not receive compensation as a member of the Commission; but

10 (2) is entitled to reimbursement for expenses under the Standard
11 State Travel Regulations, as provided in the State budget.

12 (f) The Commission shall:

13 (1) assess the oversight, best practices, and approval processes for
14 public-private partnerships in other states, including the Army Enhanced Use Lease
15 Program;

16 (2) evaluate the statutory ~~definition of~~ definitions of “public notice of
17 solicitation” and “public-private partnership”, as enacted by Section 1 of this Act, and
18 recommend any amendments to the ~~definition~~ definitions to enhance ~~its~~ their utility
19 and refine ~~its~~ their scope;

20 (3) make recommendations concerning the appropriate manner of
21 conducting ongoing legislative monitoring and oversight of public-private
22 partnerships, including the following issues:

23 (i) the appropriate time for submission for legislative review of
24 a proposed conceptual plan, a letter of intent, an interim development agreement, a
25 master development agreement, and an operating lease for a public-private
26 partnership;

27 (ii) the need for a State agency to state its justifications for
28 seeking a public-private partnership before issuing a request for proposals or any
29 other solicitation;

30 (iii) the appropriate way to assess the effects of a public-private
31 partnership on the State budget, including the aggregate effect on spending by fund
32 source and revenues;

1 (iv) the need for disclosure of all public–private partnership
2 revenue and expenditure data and assumptions;

3 (v) the need for disclosure of all public–private partnership
4 financing assumptions, including projected return on investment and a cost–benefit
5 analysis; and

6 (vi) the appropriate periods for legislative review and comment;
7 and

8 (4) make recommendations concerning broad policy parameters within
9 which public–private partnerships should be negotiated, which may include the
10 following issues:

11 (i) the processes for reviewing and approving a letter of intent,
12 an interim development agreement, a master development agreement, an operating
13 lease, and a request for qualifications;

14 (ii) the length of a public–private partnership agreement,
15 including ground rent, operating leases, and renewal terms;

16 (iii) noncompete clauses and adverse action clauses;

17 (iv) revenue–sharing;

18 (v) limits on the timing and size of rent, toll, or other revenue
19 source increases;

20 (vi) the use of proceeds from concession agreements;

21 (vii) guidelines on minority business enterprise involvement and
22 goals;

23 (viii) performance measures that are linked to State payments;

24 (ix) the number and timing of appraisals of land and structures;

25 (x) green building requirements;

26 (xi) structuring public–private partnerships in a manner that
27 preserves and promotes important State policy objectives;

28 (xii) contract oversight and remedies for default;

29 (xiii) police jurisdiction;

30 (xiv) eminent domain;

- 1 (xv) maintenance requirements;
- 2 (xvi) solicitation of public comment regarding proposed
3 public-private partnerships and proposed toll rates or user rates;
- 4 (xvii) methods for developing competitive solicitations for
5 public-private partnerships, including the advisability of establishing a special fund to
6 reimburse a private entity for predevelopment expenses;
- 7 (xviii) the role of the Maryland Economic Development Corporation
8 or other State entities in the issuance of tax increment financing bonds,
9 tax-exempt financing, or other conduit financing;
- 10 (xix) the effect on the State workforce of requiring a private entity
11 to give a hiring preference to State employees;
- 12 (xx) a policy on foreign ownership of State assets and
13 requirements to meet conditions of the Committee on Foreign Investment in the
14 United States;
- 15 (xxi) the transition and process for the return of assets to State
16 control at the conclusion of a public-private partnership agreement;
- 17 (xxii) the time period for assignment of a lease or sale of facilities
18 without requiring State consent or providing the State the right of first refusal; and
- 19 (xxiii) the advisability of considering unsolicited public-private
20 partnership proposals.

21 (g) On or before December 1, 2011, the Commission shall report its findings
22 and legislative recommendations concerning the issues outlined in subsection (f) of
23 this section for consideration during the 2012 regular session of the General Assembly
24 to the Governor and, in accordance with § 2-1246 of the State Government Article, the
25 General Assembly.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2010. Section 2 of this Act shall remain effective for a period of 2 years and 1
28 month and, at the end of ~~May 31, 2012~~ June 30, 2012, with no further action required
29 by the General Assembly, Section 2 of this Act shall be abrogated and of no further
30 force and effect.